

Remarks/Arguments

The present amendment is made in response to the Office Action dated September 28, 2004, and identified as Paper No. 20040921. Claims 1-22 remain pending in the application.

In the Office Action, the Examiner rejected claims 1, 2, 6, 12, 13, and 17 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,995,773 to Lamoureux et al. ("*Lamoureux*"). Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as obvious over *Lamoureux* in view of U.S. Patent No. 4,273,381 to Bibeau ("*Bibeau*"). Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as obvious over *Lamoureux* in view of U.S. Patent No. 6,200,082 to Molenaar et al. ("*Molenaar*"). Claims 3, 7-11, 14 and 18-22 were rejected under 35 U.S.C. § 103(a) as obvious over *Lamoureux* in view of U.S. Patent No. 6,394,735 to Hollinrake et al. ("*Hollinrake*").

With regard to all of the rejections, the Examiner's reliance on *Lamoureux* as disclosing the primary elements of the invention is misplaced. According to the Examiner, *Lamoureux* discloses a longitudinal support (24), a planar support plate (40) attached to the longitudinal support (24), a floor section (68), and a conveyor system (52). The floor section (68) identified by the Examiner is not actually a floor section within the express meaning of the claims and thus *Lamoureux* does not disclose all of the claim limitations are required for a rejection under 35 U.S.C. § 102(b).

According to claims 1 and 12, the floor of the present invention – which comprises a longitudinal support and at least one floor section – must have "at least one opening in alignment with the conveyor." The structure in *Lamoureux* identified by the Examiner as corresponding to the floor section of claimed invention is actually the conveyor frame. See col. 3, ll. 62-65 ("The conveyor frame includes a flat web member 68 which is bent at both ends to form the channels 66 and 72. The conveyor belt would have its run above the channel frame 68 and the

return run between channels 66 and 72.”). As a result of this misidentification of structure in Lamoureux, the purported longitudinal support (24), a planar support plate (40), and floor section (68) do not in fact form a floor having “at least one opening in alignment with the conveyor,” as affirmatively recited in claims 1 and 12. Instead, the structure relied on by the Examiner results in the conveyor being positioned *above* the structure which must have an opening through which materials can fall through to be dispersed by the conveyor.

As correctly recognized by the Examiner, *Lamoureux* requires transverse supports. The Examiner found, however, that the transverse supports are not “attached to the floor section, longitudinal support, *and* planar support plate,” as required in claims 1 and 12. As described in the specification, one of the advantages of the present invention is the elimination of the transverse supports for imparting rigidity to the truck bed body that are needed when including a conveyor in a dump truck body, thereby reducing costs and improving fuel economy. Page 2, ll. 3-9. As further explained stated in the specification, conventional transverse members are attached “directly or indirectly” to the floor. Page 3, ll. 13-16.

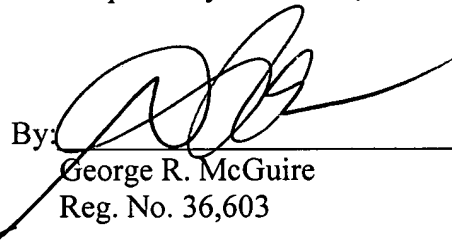
The advantage of the present invention lies in the removal of the conventional transverse support members used in connection with conveyors. This advantage applies regardless of whether the transverse members are attached “directly or indirectly” to the floor section, the longitudinal support, or the planar support plate. With question, the dump truck body of *Lamoureux* requires these transverse supports to provide structural integrity to the dump truck body. The fact that *Lamoureux* does not show the transverse supports to be welded all of the elements of the floor is a semantic distinction that is irrelevant to the novelty of the present invention.

Accordingly, claims 1 and 12 have been amended to recite that the floor is without a plurality of longitudinally spaced, transverse supports extending from the at least one longitudinal support structure to a side of the dump truck body. The presence of the transverse supports in this location in conventional dump trucks is expressly identified on page 1, ll. 29-33, and the absence of these supports in the present invention is explained on page 2, ll. 3-9 and page 10, ll. 6-7. This clarification in claims 1 and 12 should clearly define over *Lamoureux*, independently from the question of whether the Examiner has improperly relied on non-corresponding structure.

In view of the foregoing amendments, the Examiner's consideration is requested and allowance of the present application is believed to be in order. If the Examiner believes a phone conference with Applicant's attorney would expedite prosecution of this application, please contact the undersigned at (315) 218-8515.

Respectfully submitted,

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